

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EASTERN OCEAN TRANSPORTATION CO. LTD.,

Plaintiff,

- against -

UNIVERSAL SHIPPING & TRADING CO.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/31/2008

07 Civ. 10723 (DC)

ECF CASE

TURN OVER ORDER IN RESPECT OF ATTACHED PROPERTY

Whereas the Plaintiff, Eastern Ocean Transportation Co. Ltd. ("Eastern"), and the Defendant, Universal Shipping & Trading Co. ("UST") have agreed to settle their dispute in the instant matter;

Whereas the parties have entered into a settlement agreement that provides Defendant UST shall pay to Plaintiff Eastern the sum of \$93,446.36; and

Whereas pursuant to Supplemental Admiralty Rule B of the Federal Rules of Civil Procedure, on or about December 7, 2007 Eastern obtained from the Court an Ex-Parte Order of Maritime Attachment together with Process of Maritime Attachment and Garnishment that authorized the attachment of UST's property with the Southern District of New York in an amount up to \$147,851.29; and

Whereas Wachovia, acting pursuant to the Ex-Parte Order of Maritime Attachment and Garnishment, restrained and attached UST's property in the approximate amount of \$147,851.29; and

Whereas the parties have agreed that UST should fund the settlement to Eastern from a portion of the \$147,851.29 that is currently under attachment at Wachovia;

Whereas the parties have agreed that \$93,446.36 of UST's attached funds should be wired via electronic funds transfer by Wachovia to the following bank account:

NAME OF ACCOUNT: **LENNON, MURPHY & LENNON, LLC**
ACCOUNT #: **74 3996811**
ABA #: **021000021**
SWIFT CODE: **CHASUS33**
BANK NAME: **JP MORGAN CHASE
292 PEQUOT AVE.
SOUTHPORT, CT**

and;

Whereas, the parties have agreed that promptly after Eastern has received confirmation from J.P. Morgan Chase that the \$93,446.36 settlement payment has been received into its designated account, Eastern's New York counsel, Lennon, Murphy & Lennon, LLC, shall then instruct garnishee Wachovia, in writing to release the remainder of the attached funds, approximately \$54,404.93, less any bank fees, if any, pursuant to UST's instructions;

Whereas, the parties have agreed that after the settlement in favor of Eastern has been fully funded by UST, Eastern's New York counsel, Lennon, Murphy & Lennon, LLC, shall file a notice of dismissal in the instant action;

IT IS HEREBY ORDERED that garnishee Wachovia Bank shall effect an electronic funds transfer in favor of Eastern in the amount of \$93,446.36 which amount shall be deducted from the UST's property that garnishee Wachovia currently holds under attachment, and that garnishee Wachovia Bank shall pay this amount to the following account:

NAME OF ACCOUNT: **LENNON, MURPHY & LENNON, LLC**
ACCOUNT #: **74 3996811**
ABA #: **021000021**
SWIFT CODE: **CHASUS33**
BANK NAME: **JP MORGAN CHASE
292 PEQUOT AVE.
SOUTHPORT, CT**

and that any bank fees associated with the transferring of settlement funds to Eastern's specified account shall not be deducted from the transferred funds; and

IT IS FURTHER HEREBY ORDERED that promptly after Eastern has received confirmation from Wachovia that that the \$93,446.36 settlement payment has been received into Eastern's designated account, Eastern's New York counsel, Lennon, Murphy & Lennon, LLC, shall then instruct garnishee, Wachovia Bank, in writing to release the remainder of the attached funds, approximately \$54,404.93, less any bank fees, if any, pursuant to Defendant UST's instructions; and

IT IS FURTHER HEREBY ORDERED that the \$93,446.36 settlement payment from UST shall not be subject to any attachment in New York after those funds are released by garnishee Wachovia; and

IT IS FURTHER HEREBY ORDERED that the subsequent electronic funds transfer to UST of the remainder of its attached funds not used to fund the settlement, in the approximate amount of \$54,404.93, less any bank fees if any, shall not be subject to any attachment in New York after those funds are released by Wachovia Bank en route to Defendant UST's designated account;

IF IS FURTHER ORDERED that once Eastern has received its settlement funds its New York counsel, Lennon, Murphy & Lennon, LLC, shall file a notice of dismissal in the instant action.

Dated: March 31, 2008

New York, NY 93, less any bank fees, if any, pursuant to Defendant UST's instructions;

SO ORDERED:

New York, NY

U.S.D.J.